

## Schena, Cristeen

---

**From:** Borg, Mary <Mary.Borg@vermont.gov>  
**Sent:** Monday, October 19, 2015 8:52 AM  
**To:** Dart, Denny  
**Cc:** LaFlamme, Pete; Spejewski, Andrew; Handler, Neil  
**Subject:** RE: Andrew, Denny, please look at this ... how do we address the ANR issue? Burlington Home Getting Fix To Stop Flow Of E. Coli To Lake Champlain | Vermont Public Radio  
**Attachments:** removed.txt

Hi Denny. We recently launched an on-line reporting form that municipalities use to report CSO events. The event gets immediately posted to our DEC website and notification immediately goes to Vermont Dept. of Health. We are in the process of expanding this to all municipalities so that illegal SSO discharges can also be reported in real time. We are hoping to standardize public noticing of illegal discharges across MS4, SSO, CSO, and IDDE (in non-MS4 communities) programs. We launched this effort because of the potential lag time between a discharge and public noticing if staff are out in the field or on vacation, or if the event happens on a weekend.

Happy to update you as this effort progresses.

Mary



**Mary L. Borg, Deputy Director**

1 National Life Drive, Main 2

Montpelier, VT 05620-3522

802-490-6101/ [Mary.Borg@state.vt.us](mailto:Mary.Borg@state.vt.us)

[www.watershedmanagement.vt.gov](http://www.watershedmanagement.vt.gov)

---

**From:** Dart, Denny [mailto:Dart.Denny@epa.gov]  
**Sent:** Monday, October 19, 2015 8:16 AM  
**To:** Borg, Mary  
**Cc:** LaFlamme, Pete; Spejewski, Andrew; Handler, Neil  
**Subject:** RE: Andrew, Denny, please look at this ... how do we address the ANR issue? Burlington Home Getting Fix To Stop Flow Of E. Coli To Lake Champlain | Vermont Public Radio

Mary –

Thanks for your response on this. I saw that the current notification requirements are under a regulation pertaining to sanitary collection systems, so I did not expect that the requirement would apply to illicit discharges through MS4s. I think it would make sense to expand the reporting to include illicit discharges. We would like to develop something similar to your reporting program for communities in MA and NH, where we have direct implementation authority. With so few staff, I am wary of any reporting that comes in paper form and requires processing in the office. Do you have any plans to create an electronic reporting tool?

Denny

---

**From:** Borg, Mary [<mailto:Mary.Borg@vermont.gov>]

**Sent:** Thursday, October 08, 2015 2:06 PM

**To:** Dart, Denny <[Dart.Denny@epa.gov](mailto:Dart.Denny@epa.gov)>

**Cc:** LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>

**Subject:** FW: Andrew, Denny, please look at this ... how do we address the ANR issue? Burlington Home Getting Fix To Stop Flow Of E. Coli To Lake Champlain | Vermont Public Radio

Hi Denny. I don't know if you have responded yet to James, but wanted to give you an update on posting notice of these events. We are in the process of reviewing notification requirements across our wastewater, MS4 and IDDE programs and will be developing a clear written policy around notification. We will then be reaching out to municipalities on this issue to ensure that all are on the same page. As part of this process we are reviewing statutes and regulations to determine if and how public notice requirements need to be strengthened.

Thanks.

Mary



**Mary L. Borg, Deputy Director**

1 National Life Drive, Main 2

Montpelier, VT 05620-3522

802-490-6101/ [Mary.Borg@state.vt.us](mailto:Mary.Borg@state.vt.us)

[www.watershedmanagement.vt.gov](http://www.watershedmanagement.vt.gov)

**From:** "Dart, Denny" <[Dart.Denny@epa.gov](mailto:Dart.Denny@epa.gov)>

**Date:** September 25, 2015 at 8:54:25 AM EDT

**To:** "Kelley, Ernie" <[Ernie.Kelley@vermont.gov](mailto:Ernie.Kelley@vermont.gov)>, "Spejewski, Andrew"

<[Spejewski.Andrew@epa.gov](mailto:Spejewski.Andrew@epa.gov)>, Padraic Monks <[padraic.monks@state.vt.us](mailto:padraic.monks@state.vt.us)>

**Subject:** FW: Andrew, Denny, please look at this ... how do we address the ANR issue?  
Burlington Home Getting Fix To Stop Flow Of E. Coli To Lake Champlain | Vermont Public Radio

Ernie and Padraic –

I don't know whether you have a process for posting reports of illicit discharges through MS4s on your online sewage discharge site?

**The state's notification language is under  
Subchapter 001 : Water Pollution Control § 1278.  
“Operation, management, and emergency  
response plans for pollution abatement facilities”.**

**The notice requirement clearly applies to sewage collection systems. However, the notice language seems much broader when read out of context as it clearly was in the press link, below.**

(e) Notice of certain discharges. The secretary of natural resources shall post publicly notice of **an illegal discharge that may pose a threat to human health or the environment** on its website within 24 hours of the agency's receipt of notification of the discharge. (Added 2005, No. 154 (Adj. Sess.), § 5a, eff. July 1, 2006; amended 2007, No. 130 (Adj. Sess.), § 8, eff. May 12, 2008; 2007, No. 209 (Adj. Sess.), § 5.)

Let me know what you want us to say to Mr. Ehlers.

Denny

**From:** James Ehlers [<mailto:james@champlain.ngo>]  
**Sent:** Friday, September 25, 2015 8:51 AM  
**To:** Dart, Denny <[Dart.Denny@epa.gov](mailto:Dart.Denny@epa.gov)>  
**Cc:** 'Kelley, Ernie' <[Ernie.Kelley@vermont.gov](mailto:Ernie.Kelley@vermont.gov)>; Spejewski, Andrew <[Spejewski.Andrew@epa.gov](mailto:Spejewski.Andrew@epa.gov)>  
**Subject:** RE: Andrew, Denny, please look at this ... how do we address the ANR issue? Burlington Home Getting Fix To Stop Flow Of E. Coli To Lake Champlain | Vermont Public Radio

Thank you, Denny!

It is unfathomable to us that IDDE would not inform Ernie putting him (and the public) in that position. Furthermore, the City and HOA knew about this for years before it was brought to our attention. The City and its building inspector, in our opinion, needs to be held accountable for signing off on the CO at the completion of the project in 2000, at the very least.

Will you please let me know the disposition?

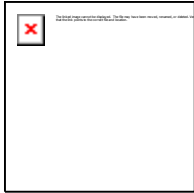
James

---

**From:** James Ehlers [<mailto:james@champlain.ngo>]  
**Sent:** Friday, September 25, 2015 8:19 AM  
**To:** Spejewski, Andrew <[Spejewski.Andrew@epa.gov](mailto:Spejewski.Andrew@epa.gov)>; Dart, Denny <[Dart.Denny@epa.gov](mailto:Dart.Denny@epa.gov)>  
**Subject:** Andrew, Denny, please look at this ... how do we address the ANR issue? Burlington Home Getting Fix To Stop Flow Of E. Coli To Lake Champlain | Vermont Public Radio

<http://digital.vpr.net/post/burlington-home-getting-fix-stop-flow-e-coli-lake-champlain#stream/0>

All the best,  
James Ehlers  
Executive Director  
[Connect](#) with James



Winner of the Prestigious U.S. EPA Environmental Merit Award

**Lake Champlain International, Inc.**  
Clean Water. Healthy Fish. Happy People.  
a 501(c)(3) organization

*... because a swimmable, drinkable, fishable Lake Champlain is the only option.*

Lake Champlain International, a Top-Rated Nonprofit Award winner, has earned the Guidestar Exchange Seal and is accredited by the Better Business Bureau, illustrating the highest standards of transparency, accountability, and effectiveness as set forth by these internationally trusted organizations.